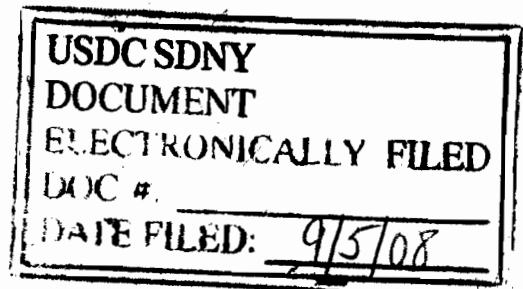


FERMIN PENA, # 03-A-1587
AUBURN CORRECTIONAL FACILITY
PO BOX 618
AUBURN, NEW YORK 13024



Theodore H. Katz
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

08 Civ. 3828 (SHS)(THK)

August 28, 2008

SIR:

MEMO ENDORSED

I would like to have permission from this Honorable Court, to be able to respond to the "AFFIDAVIT IN OPPOSITION", of Nancy D. Killian, from the District Attorney's office of Bronx County. Received on August 25, 2008.

I am seeking the appropriate time period of 45 days to file my brief in support regarding the Habeas Corpus proceeding within this matter.

I do thank you for your time, consideration and response within this matter.

Respectfully,

FERMIN PENA

Fermin Pena

ADA NANCY D. KILLIAN
OFFICE OF THE DISTRICT ATTORNEY
BRONX COUNTY
BRONX, NY 10451

*The Response to
the opposition to the
petition shall be filed
by October 17, 2008.*

SO ORDERED

9/4/08

Theodore H. Katz

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

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TO COUNSEL OF RECORD ON 9/5/08